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PATENT Customer No. 22,852 Attorney Docket No. 05725.1308-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Grégrory PLOS et al.	
Application No.: 10/814,430) Group Art Unit: 1751
Filed: April 1, 2004)) Examiner: E. Elhilo
For: COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE COMPOUND COMPRISING AN ACID FUNCTIONAL GROUP AND PROCESSES THEREFOR)) Confirmation No.: 5737))))))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent applications are also not enclosed.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents.

- 1. AT 302 534 This document is believed to be related to U.S. Patent No. 3,658,985, listed on the attached Form PTO/SB/08.
- 2. <u>CH 487 231</u> This document is believed to be related to GB Patent No. 1214394, submitted herewith.
- 3. <u>DE 33 133 32</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 4. <u>DE 100 29 441 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 5. <u>DE 101 41 683 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 6. **DE 101 48 844 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 7. <u>DE 196 46 804 A1</u> This document is believed to be related to U.S. Patent No. 5,830,446, listed on the attached Form PTO/SB/08.
- 8. <u>DE 199 23 438 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

- 9. <u>DE 199 26 377 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 10. **EP 0 080 976 B1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 11. <u>EP 0 087 060</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 12. **EP 0 714 954 A2** This document is believed to be related to U.S. Patent No. 5,708,151, listed on the attached Form PTO/SB/08.
- 13. <u>EP 0 808 150</u> This document is believed to be related to U.S. Patent No. 6,109,577, listed on the attached Form PTO/SB/08.
- 14. **EP 0 815 828 B1** This document is believed to be related to U.S. Patent No. 6,120,780, listed on the attached Form PTO/SB/08.
- 15. **EP 0 970 684** This document is believed to be related to U.S. Patent Application Publication No. 2005/0144741, listed on the attached Form PTO/SB/08.
- 16. **EP 1 023 891 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 17. **EP 1 099 437 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
 - 18. **EP 1 132 076 A1** This document is related to U.S. Patent Application

Publication Nos. 2001/0055580 A1 and 2002/0176836 A9, listed on the attached Form PTO/SB/08.

- 19. **EP 1 191 041 A2** This document is believed to be related to U.S. Patent Application Publication No. 2002/0131941 A1, listed on the attached Form PTO/SB/08.
- 20. FR 1,492,597 This document is believed to be related to U.S. Patent No. 3,472,840, listed on the attached Form PTO/SB/08.
- 21. FR 1,583,363 This document is believed to be related to U.S. Patent No. 3,632,559, listed on the attached Form PTO/SB/08.
- 22. FR 2,077,143 This document is believed to be related to U.S. Patent No. 3,910,862, listed on the attached Form PTO/SB/08.
- 23. FR 2,080,759 This document is believed to be related to U.S. Patent No. 3,912,808, listed on the attached Form PTO/SB/08.
- 24. <u>FR 2,103,210</u> This document is believed to be related to U.S. Patent No. 3,639,127, listed on the attached Form PTO/SB/08.
- 25. FR 2,162,025 This document is believed to be related to U.S. Patent Nos. 3,917,817 and 4,013,787, listed on the attached Form PTO/SB/08.
- 26. FR 2,190,406 This document is believed to be related to U.S. Patent Nos. 3,912,808 and 3,986,825, listed on the attached Form PTO/SB/08.
 - 27. FR 2,252,840 This document is believed to be related to U.S. Patent

Nos. 4,172,887; 4,189,468; and 4,277,581, listed on the attached Form PTO/SB/08.

- 28. <u>FR 2,270,846</u> This document is believed to be related to U.S. Patent Nos. 4,217,914; 4,422,853; 4,948,579; and 5,196,189, listed on the attached Form PTO/SB/08.
- 29. FR 2,280,361 This document is believed to be related to U.S. Patent No. 4,013,787, listed on the attached Form PTO/SB/08.
- 30. <u>FR 2,316,271</u> This document is believed to be related to U.S. Patent Nos. 4,197,865; 4,381,919; and 4,608,250, listed on the attached Form PTO/SB/08.
- 31. FR 2,320,330 This document is believed to be related to U.S. Patent Nos. 4,075,136 and 4,166,894, listed on the attached Form PTO/SB/08.
- 32. FR 2,336,434 This document is believed to be related to U.K. Patent No. GB 1,546,809, submitted herewith.
- 33. FR 2,368,508 This document is believed to be related to U.S. Patent Nos. 4,189,468 and 4,277,581, listed on the attached Form PTO/SB/08.
- 34. <u>FR 2,383,660</u> This document is believed to be related to U.S. Patent Nos. 4,240,450; 4,445,521; 4,719,099; and 5,009,880, listed on the attached Form PTO/SB/08.
- 35. FR 2,393,573 This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, listed on the attached Form PTO/SB/08.

- 36. <u>FR 2,411,219</u> This document is believed to be related to U.S. Patent No. 4,256,458, listed on the attached Form PTO/SB/08.
- 37. <u>FR 2,416,723</u> This document is believed to be related to U.S. Patent No. 4,237,243, listed on the attached Form PTO/SB/08.
- 38. FR 2,470,596 This document is believed to be related to U.S. Patent Nos. 4,996,059 and 5,958,392, listed on the attached Form PTO/SB/08.
- 39. <u>FR 2,505,348</u> This document is believed to be related to U.S. Patent No. 4,761,273, listed on the attached Form PTO/SB/08.
- 40. FR 2,519,863 This document is believed to be related to U.S. Patent Nos. 5,089,252 and 5,139,037, listed on the attached Form PTO/SB/08.
- 41. <u>FR 2,542,997</u> This document is believed to be related to U.S. Patent No. 4,591,610, listed on the attached Form PTO/SB/08.
- 42. FR 2 586 913 This document is believed to be related to U.S. Patent No. 4,823,985, listed on the attached Form PTO/SB/08.
- 43. FR 2 589 476 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 44. <u>FR 2,598,611</u> This document is believed to be related to U.S. Patent No. 4,839,166, listed on the attached Form PTO/SB/08.
 - 45. FR 2,692,572 This document is believed to be related to U.S. Patent No.

- 5,792,221, listed on the attached Form PTO/SB/08.
- 46. **FR 2,741,261** This document is believed to be related to U.S. Patent No. 5,830,446, listed on the attached Form PTO/SB/08.
- 47. **FR 2,773,864** An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 48. <u>FR 2,797,877</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 49. FR 2,800,612 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 50. FR 2,811,993 This document is believed to be related to U.S. Patent Application Publication Nos. 2004/0141943 A1 and 2004/0124079 A1, listed on the attached Form PTO/SB/08
- 51. FR 2,820,032 This document is believed to be related to U.S. Patent Application Publication No. 2004/0205901, listed on the attached Form PTO/SB/08.
- 52. FR 2,830,189 This document is believed to be related to U.S. Patent Application Publication No. 2005/0028301, listed on the attached Form PTO/SB/08.
- 53. <u>JP 48-17362</u> This document is believed to be related to U.S. Patent No. 3,658,985, listed on the attached Form PTO/SB/08.
 - 54. JP 54-86521 This document is believe to be related to U.S. Patent No.

- 4,256,458, listed on the attached Form PTO/SB/08.
- 55. <u>JP 2-200612</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 56. <u>JP 6-128128</u> This document is believed to be related to U.S. Patent No. 5,356,438, listed on the attached Form PTO/SB/08.
- 57. <u>JP 6-183935</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 58. <u>JP 6-227954</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 59. <u>JP 8-183716</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 60. <u>JP 8-208448</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 61. <u>JP 8-259426</u> This document is believed to be related to U.S. Patent No. 5,635,461, listed on the attached Form PTO/SB/08.
- 62. <u>JP 10-236929</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 63. <u>JP 11-21214</u> This document is believed to be related to U.S. Patent No. 4,961,925, listed on the attached Form PTO/SB/08. An English language abstract is

also submitted herewith.

- 64. <u>JP 11-60453</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 65. <u>JP 11-343218</u> This document is believed to be related to U.S. Patent Application Publication Nos. 2002/046432 A1, 2003/019053 A9, and 2004/0148711 A1, listed on the attached Form PTO/SB/08.
- 66. <u>JP 2000-001417</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 67. <u>JP 2000-86472</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 68. <u>JP 2000-505841</u> This document is believed to be related to U.S. Patent No. 6,712,861 B2 and U.S. Patent Application Publication Nos. 2002/0004956 A1 and 2003/0000023 A9, listed on the attached Form PTO/SB/08.
- 69. <u>JP 2001-172120</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also related to EP 1,099,437, submitted herewith.
- 70. <u>JP 2001-226217</u> This document is believed to be related to U.S. Patent Application Publication No. 2001/0031270 A1, listed on the attached Form PTO/SB/08.
- 71. <u>JP 2001-261534</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

- 72. <u>JP 2001-261536</u> This document is believed to be related to U.S. Patent No. 6,592,630 and U.S. Patent Application Publication No. 2001/005426, listed on the attached Form PTO/SB/08.
- 73. <u>JP 2001-294519</u> An abstract of the disclosure of this document can be found in the English language Japio Abstract, submitted herewith.
- 74. <u>JP 2001-516701</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 75. <u>JP 2001-516706</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 76. JP 2001-516707 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 77. <u>JP 2002-12523</u> This document is believed to be related to U.S. Patent No. 6,475,248 and U.S. Patent Application Publication No. 2002/026676, listed on the attached Form PTO/SB/08.
- 78. <u>JP 2002-12530</u> This document is believed to be related to U.S. Patent No. 6,616,709 and U.S. Patent Application Publication No. 2002/0088063, listed on the attached Form PTO/SB/08.
- 79. <u>JP 2002-226338</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
 - 80. JP 2002-249419 An abstract of the disclosure of this document can be

found in the English language Derwent Abstract, submitted herewith.

- 81. <u>JP 2003-55177</u> This document is believed to be related to U.S. Patent Application Publication No. 2003/0074747 A1, listed on the attached Form PTO/SB/08.
- 82. <u>JP 2004-59468</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 83. <u>WO 93/11103</u> This document is believed to be related to the U.S. Patent No. 5,833,997, listed on the attached Form PTO/SB/08.
- 84. <u>WO 97/18795</u>: This document is believed to be related to U.S. Patent No. 6,106,577, listed on the attached Form PTO/SB/08.
- 85. <u>WO 99/12846</u> This document is believed to be related to the U.S. Patent No. 5,873,494, listed on the attached Form PTO/SB/08.
- 86. WO 01/62759 A1 This document is believed to be related to U.S. Patent Application Publication No. 2003/055268, listed on the attached Form PTO/SB/08.
- **87.** <u>WO 01/78669</u> This document is believed to be related to U.S. Patent Application Publication No. 2003/131424, listed on the attached Form PTO/SB/08.
- 88. WO 02/32386 A2 An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
- 89. WO 02/38115 A1 The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to

be related to U.S. Patent Application Publication No. 2004/0019981 A1, listed on the attached Form PTO/SB/08.

- 90. WO 02/39964 A1 The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2004/037796 A1, listed on the attached Form PTO/SB/08.
- 91. <u>WO 02/45673</u> The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2004/0049860 A1, listed on the attached Form PTO/SB/08.
- 92. WO 02/058646 A1 The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2002/0205901 A1, listed on the attached Form PTO/SB/08.
- 93. WO 02/058647 A1 The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2004/0205901 A1, listed on the attached Form PTO/SB/08.
- 94. WO 03/022232 A2 The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2004/0034945 A1,

Attorney Docket No. 05725.1308-00000 Application No. 10/814,430

listed on the attached Form PTO/SB/08.

- 95. <u>WO 03/028685 A1</u> The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2005/0028301 A1, listed on the attached Form PTO/SB/08.
- 96. <u>Sciende Des Traitements Capillaires</u> by Charles Zviak, 1988, published by Masson, pp. 215 and 278 The English translation of this disclosure can be found in Charles Zviak, "The Science of Hair Care," vol. 7, pp. 215 and 278 (1986).
- 97. Yuki Kagoubutsu Jilen (**Dictionary of Organic Compounds**), Kodansha Ltd., August 10, 2002, p. 908 This document was cited by the Japanese Patent Office in the counterpart patent application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: April 3, 2006

By:

Erin C. DeCarlo Reg. No. 51,688

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IDS Form PTO/SE	3/08: Substitute for form	1449A/PTO	0.0.30	ns %	C	omplete if Known	
			APR US A		ation Number	10/814,430	
INFO	DRMATION DIS	SCLOSI	ΪÐΕ	Filip	Date	April 1, 2004	
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	(Use as many sheets as	necessary)		Exan	niner Name	E. Elhilo	
Sheet	1	of	13	Attor	ney Docket Number	05725.1308-00000	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS						
Examiner Initials	Cite No.	Document Number	Issue or Publication Date	Name of Patente Applicant of Cited D		Pages, Columns, Lines, Where Relevant Passages or Relevant
initials	NO.	Number-Kind Code (if known)	MM-DD-YYYY		ocument	Figures Appear
	1	US 2,261,002	10/28/1941	Ritter		
	2	US 2,271,378	01/27/1942	Searle		
	3	US 2,273,780	02/17/1942	Ditmar		
	4	US 2,375,853	05/15/1945	Kirby et al.		
	5	US 2,388,614	11/06/1945	Kirby et al.		
	6	US 2,454,547	11/23/1948	Bock et al.		
	7	US 2,798,053	07/02/1957	Brown ,		
	8	US 2,851,424	09/09/1958	Switzer et al.		
	9	US 2,923,692	02/02/1960	Ackerman et al.		
	10	US 2,961,347	11/22/1960	Floyd		
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	12	US 3,014,041	12/19/1961	Hausermann et a	I.	
	13	US 3,206,462	09/14/1965	McCarty		
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	15	US 3,472,840	10/14/1969	Stone et al.		
	16	US 3,632,559	01/04/1972	Matter et al.		
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	18	US 3,658,985	04/25/1972	Olson, Jr. et al.		
	19	US 3,856,550	12/24/1974	Bens et al.		
	20	US 3,874,870	04/01/1975	Green et al.		
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	25	US 3,929,990	12/30/1975	Green et al.		
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Examin					Date	
Signatu	re		·		Considered	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of	13

Complete if Known				
Application Number	10/814,430			
Filing Date	April 1, 2004			
First Named Inventor	Grégory PLOS			
Art Unit	1751			
Examiner Name	E. Elhilo			
Attorney Docket Number	05725.1308-00000			

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37	US 4,075,136	02/21/1978	Schaper	
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45	US 4,197,865	04/15/1980	Jacquet et al.	
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49	US 4,240,450	12/23/1980	Grollier et al.	
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Examiner	Date	
Signature	Considered	

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Sheet	3	of	13

Complete if Known				
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Examiner Name	E. Elhilo			
Attorney Docket Number	05725.1308-00000			

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61	US 4,719,282	01/12/1988	Nadolsky et al.	
62	US 4,728,571	03/01/1988	Clemens et al.	
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65	US 4,823,985	04/25/1989	Grollier et al.	
66	US 4,839,166	06/13/1989	Grollier et al.	
67	US 4,948,579	08/14/1990	Jacquet et al.	
68	US 4,961,925	10/09/1990	Tsujino et al.	
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71	US 5,009,880	04/23/1991	Grollier et al.	
72	US 5,089,252	02/18/1992	Grollier et al.	
73	US 5,139,037	08/18/1992	Grollier et al.	
74	US 5,188,639	02/23/1993	Schultz et al.	
75	US 5,196,189	03/23/1993	Jacquet et al.	
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79	US 5,708,151	01/13/1998	Möckli	
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81	US 5,792,221	08/11/1998	Lagrange et al.	
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84	US 5,853,708	12/29/1998	Cauwet et al.	
85	US 5,873,494	02/23/1999	Dallas, Jr.	
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88	US 6,106,577	08/22/2000	Audousset et al.	

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Sheet	4	of	

Complete if Known				
Application Number	10/814,430			
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First Named Inventor	Grégory PLOS			
Art Unit	1751			
Examiner Name	E. Elhilo			
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Examiner	Date	
Signature	Considered	